

REMARKS

Formal Matters

Claims 1-13 are all the claims pending in the present Application. By this Amendment, Applicant is amending claims 1, 2, 4-7, 12, and 13 for reasons of form, and not substance, and is not narrowing the claims for purposes of equivalence. New claims 14 and 15 are added to further cover the subject matter of the invention. No new matter is added.

Applicant thanks the Examiner for acknowledging receipt of all of the priority documents submitted under 35 U.S.C. 119(a)-(d). Applicant further thanks the Examiner for initialing the Information Disclosure Statement (IDS) submitted on September 29, 2005.

Election/Restriction

Applicant affirms the election that was made without traverse on September 16, 2008, to prosecute the invention of Group I, which includes claims 1-6 and 12-13. In making the restriction requirement, the Examiner asserts that the “radiating member according to claim 6 . . . is shown in the prior art.” (Office Action, page 2.) By electing Group I without traverse, Applicant makes no admission to the validity of the Examiner’s assertion.

Objection to Drawings

The Examiner objects to the drawings “because the radiating member is referenced as ‘32’ in the specification (page 16, line 23) and ‘32b’ in figure 6a, and because radiating member in second embodiment is referenced as ‘2’ in specification (page 16, lines 24-25) and ‘22’ in figure 5.” (Office Action at page 4.) Applicant is amending paragraph 60 of the specification so

that the reference numeral corresponding to the “radiating member” is “32b” and so that the reference numeral corresponding to the “radiating member” of the second embodiment is “22.”

The Examiner also objected to the drawings because they do not include reference numeral 77. Applicant is amending figures 12a-12c to include reference numeral 77.

In view of the above, Applicant respectfully requests that the Examiner withdraw the objections to the drawings.

Objection to Specification

The Examiner objected to the specification because the brief description of the drawings indicates that there are first, second, third, fifth and sixth embodiments, but not a fourth embodiment. Applicant is amending paragraph 33 of the specification to recite a “fourth embodiment.”

The Examiner also objected to the specification because the “specification references figure 12 (page 23, line 18), but there is no figure 12, there are figures 12a-c though.” (Office Action, page 5.) Applicant is amending paragraph 85 of the specification to recite that “FIGS. 12a-12c are schematic diagrams”

In view of the above, Applicant respectfully requests that the Examiner withdraw the objections to the specification.

Claim Objections

The Examiner interpreted the “lattice-shaped ventilation frame” of claim 3 as meaning “a rectangular wave pattern radiation member sandwiched between two relatively flat surfaces.” Claim 3 has been canceled. Thus, the Examiner’s objection is now moot.

The Examiner objected to claims 4-8 under 37 C.F.R. § 1.75(c) as being multiple dependent claims that depend from multiple dependent claim 3. Applicant is canceling claim 3 and amending claim 4 to depend from claims 1 or 2.

In view of the above, Applicant respectfully requests that the Examiner withdraw the objections to claims 4-8.

Claim Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 1-6 under 35 U.S.C. § 103(a) as allegedly being obvious over Yamashita et al. (JP 2003-068257) in view of Nishimura et al. (JP 10-112301).

Applicant respectfully submits that neither Yamashita nor Nishimura disclose or render obvious at least “wherein the radiating member is disposed between the laminated cell and a second radiating member having the same configuration as the radiating member.” Yamashita discloses a covering wall 16, which the Examiner alleges is the same as a radiating member, that is between a base member 32 and a spacer 22. Similarly, Nishimura discloses an air-cooling spacer that is disposed between batteries 3a, 3b. As such, neither Yamashita nor Nishimura disclose a radiating member between a laminated cell and a second radiating member having the same configuration.

Regarding claims 2 and 4-6, Applicant submits that these claims are allowable at least by virtue of their dependency from independent claim 1. In view of the above, Applicant respectfully requests that the Examiner withdraw the rejections of claims 1-6.

Allowable Subject Matter

The Examiner indicated that claims 12 and 13 are allowed. Applicant is amending claims 12 and 13 to present these in a better form for U.S. practice, without amending the scope of these claims. As such, Applicant respectfully submits that claims 12 and 13 remain allowable.

New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claim 14. Applicant respectfully submits that claim 14 is allowable over the prior art because the prior art does not disclose an upper portion, a lower portion, or a side connecting portion as recited in claim 14. Applicant submits that claim 15 is allowable at least by virtue of its dependency from independent claim 1. Further, neither Yamashita nor Nishimura disclose “wherein the radiating member directly contacts the second radiating member” as recited in claim 15.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 10/551,582

Attorney Docket No.: Q90437

This Amendment is being filed via the USPTO Electronic Filing System (EFS). Applicant herewith petitions the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,
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